



GENERAL ISSUES COMMITTEE REPORT 15-013

9:30 a.m.

Wednesday, June 17, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor T. Jackson (Chair)
Councillors A. Johnson, J. Farr, M. Green, C. Collins,
S. Duvall, T. Whitehead, D. Conley, M. Pearson, L. Ferguson,
A. VanderBeek, J. Partridge

**Absent with
Regrets:** Councillor S. Merulla – Personal
Councillor B. Johnson – Personal
Councillor R. Pasuta – City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 15-013 AND RESPECTFULLY RECOMMENDS:

1. Annual Comprehensive Legal Services Report (LS15016) (City Wide) (Item 5.1)

That Report LS15016, respecting the Annual Comprehensive Legal Services Report, be received.

2. Cannon Street Bi-directional Cycle Track Pilot Project (PW14031(a)) (Wards 2 and 3) (Item 5.2)

That Report PW14031(a), respecting the Cannon Street Bi-directional Cycle Track Pilot Project, be received.

3. Anti-Racism Resource Centre Project Report (FCS14044(b)) (City Wide) (Item 5.3)

That Report FCS14044(b), respecting the Anti-Racism Resource Centre Project Report, be received.

4. Main Street West Esplanade Business Improvement Area (BIA) - Meeting to Discuss Possible Dormancy (PED15075) (Wards 1 and 2) (Item 5.4)

That Report PED15075, respecting the Main Street West Esplanade Business Improvement Area (BIA) - Meeting to Discuss Possible Dormancy, be received.

5. Future Ready Leadership Program (PED15073) (City Wide) (Item 5.5)

That Report PED15073, respecting Future Ready Leadership Program, be received.

6. Response from Chief Glenn DeCaire, on behalf of the Hamilton Police Service Board, respecting Council's resolution regarding the Proposed Legislation to Limit the Speed Achievable in Commercially Sold Vehicles in Canada (Item 5.6)

That the Response from Chief Glenn DeCaire, on behalf of the Hamilton Police Service Board, respecting Council's resolution regarding the Proposed Legislation to Limit the Speed Achievable in Commercially Sold Vehicles in Canada, be received.

7. Hamilton Police Service Board Reports (PSB 15-017, PSB 15-036 and PSB 15-048) (Item 5.7)

That Hamilton Police Service Board Reports (PSB 15-017, PSB 15-036 and PSB 15-048), be received.

8. Construction Projects in the Stadium Precinct (CM14014(a)) (Ward 3) (Item 7.3)

(a) That the City of Hamilton enter into a Joint Development and Construction Agreement (the "JDC Agreement") with the Hamilton Wentworth District School Board (the "HWSDB"), and all necessary ancillary agreements, for the design and construction of the Bernie Morelli Centre, the new school, and

related amenities including parking and green space in accordance with South Stadium Precinct Concept Plan attached as Appendix A to GIC Report 15-013;

- (b) That City Staff be directed to enter into negotiations with the HWDSB, to execute a cost sharing contribution agreement and any other necessary agreements, in order to build the Bernie Morelli Centre and related amenities in a form satisfactory to the City Solicitor with content acceptable to the General Manager of Public Works;
- (c) That City Staff be directed to enter into negotiations with the HWDSB, to execute any other necessary agreements, including leases, licences, shared use, reciprocal rights, and/or cost sharing agreements necessary to affect the cooperative use of the collective lands and facilities over the terms of the lease, on terms and conditions (including, for example, agreement term lengths) deemed appropriate by the General Manager of Planning and Economic Development in consultation with the General Manager of Public Works, and in a form satisfactory to the City Solicitor;
- (d) That the Mayor and City Clerk be authorized and directed to execute any agreements and to give effect to the recommendations in this report; and,
- (e) That staff be directed to provide an information report on the terms of any negotiated agreements to the General Issues Committee.

9. Hamilton 2015 Pan Am Games Temporary Traffic and Parking By-law Amendments and Other Related Matter (PW15048) (City Wide) (Item 8.1)

- (a) That the Temporary Traffic By-law Amendments to support the Pan Am Games Route Network from 7:00 a.m., July 10 to 7:00 a.m., July 27, 2015 attached as Appendix B to GIC Report 15-013 be enacted;
- (b) That the Resident Special Event Permit Parking Plan attached as Appendix C to GIC Report 15-013 be adopted during the Pan Am Games at the CIBC Hamilton Pan Am Soccer Stadium from 2:00 a.m., July 5 to 1:00 a.m., July 27, 2015;
- (c) That the By-law, attached as Appendix C to Report PW15048, being a by-law to amend By-law No. 01-215, being a By-law to Regulate Traffic, be enacted;
- (d) That the By-law, attached as Appendix D to Report PW15048, being a by-law to amend By-law 01-218, being a By-law to Regulate On-Street Parking, be enacted;

- (e) That the City of Hamilton support the transportation goals of the Pan Am Games and the emphasis that spectators utilize public transit for the transportation needs by accepting a spectator's game-day ticket as their fare on Hamilton Street Railway (HSR) service for trips to and from the stadium;
- (f) That the General Manager of Public Works be authorized and directed to negotiate and sign all Incremental Municipal Services Transfer Payment Agreements and any other ancillary agreements, on behalf of the City of Hamilton, with the Pan Am Games Secretariat to recover all eligible costs, in a form satisfactory to the City Solicitor;
- (g) That the City Solicitor be directed to prepare the necessary by-law to implement Recommendation (f) in Report PW15048.

10. Hamilton Tax Increment Grant Program (HTIGP) – 112 King Street East, Hamilton (PED15079) (Ward 2) (Item 8.3)

- (a) That a Hamilton Tax Increment Grant Program (HTIGP) application submitted by Royal Connaught Inc. (Rudi Spallacci, Ted Valeri), for the property at 112 King Street East, Hamilton, for a Hamilton Tax Increment Grant Program (HTIGP) grant estimated at \$1,621,688.17, over a maximum of a five-year period, and based upon the incremental tax increase attributable to the redevelopment of 112 King Street East, be authorized and approved in accordance with the terms and conditions of the Program; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix D to GIC Report 15-013, in a form satisfactory to the City Solicitor.

11. Business Improvement Area Advisory Committee Report 15-005, May 12, 2015 (Item 8.4)

- (a) **Edward John, Senior Project Manager, Development Planning, Val Mitchell, Tax Appeals Officer and David Janaszek, Assessment Review Officer, respecting the Impact of Commercial Tax Classification Changes on Business Improvement Areas (Item 5.1)**

That staff from Planning, Municipal Law Enforcement and the Building Department be directed to look at the feasibility of applying a mandatory Business Improvement Area fee for any commercial properties within a Business Improvement Association Area regardless of the zoning, or current use, of the property and that they report to the Business Improvement Area Advisory Committee with their findings.

(b) Working Group (Added Item 5.4)

- (a) That a Working Group of the Business Improvement Area Advisory Committee (BIAAC) be formed for the purpose of discussing the Ontario BIA Association's Review of the Ontario *Municipal Act*;
- (b) That the members of the Ontario *Municipal Act* Review Working Group be: Lisa Anderson, Susie Braithwaite, Kathy Drewitt and Marty Schreiter; and,
- (c) That the Ontario *Municipal Act* Review Working Group report to the BIAAC at a future meeting.

12. Funding for the Purchase of Surplus School Property - Bishop Ryan School in Hamilton (FCS15043) (Ward 5) (Item 12.4)

That Report FCS15043, respecting the Funding for the Purchase of Surplus School Property - Bishop Ryan School in Hamilton, remain confidential until such time as the real estate transaction is complete.

13. Land Exchange Part of 263 Jerseyville Road West and part 236 Crestview Avenue (PW15051) (Ward 12) (Item 12.5)

- (a) That the Real Estate Section of the Economic Development Division, Planning and Economic Development Department be authorized and directed to enter into an agreement to exchange lands with the property owners at 236 Crestview Avenue, Ancaster (referred to as Part 1 on the map attached to GIC Report 15-013 as Appendix E) with the City of Hamilton, for the property known as part of the Hemming Park Open Space (referred to as Part 2 on the map attached to GIC Report 15-013 as Appendix D), for the purpose of providing public access to Hemming Park from Crestview Avenue;
- (b) That the cost associated with this transaction be funded from Account #55322, Dept. Id #444200;
- (c) That Report PW15051, respecting the Land Exchange Part of 263 Jerseyville Road West and part 236 Crestview Avenue remain confidential until the completion of the real estate transaction;
- (d) That the Mayor and the City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

14. Minutes of Settlement, Sections 26 and 30, *Expropriations Act*, part of 100 Cumberland Avenue, being Part 1 on Plan 62R-17378 (LS15017/PED15086) (Ward 3) (Item 12.6)

- (a) That the Minutes of Settlement, attached as Appendix F to GIC Report 15-013, resulting from the provisions of Sections 26 and 30 of the Ontario *Expropriations Act*, for vacant lands known as part of Lot 10, Concession 3 in the geographic Township of Barton in the City of Hamilton, all shown as Part 1 on Plan 62R-17378, being PIN 17113-0248(LT), comprising a rectangular 0.2841 hectare (0.702 acre) parcel at the south east corner of Cumberland and Sanford Avenues, formerly part of property municipally known as 100 Cumberland Avenue, Hamilton, attached as Appendix G to GIC Report 15-013, be approved, implemented and completed;
- (b) Sub-section (b) remain confidential.
- (c) That Legal Services be directed and authorized to undertake any steps required to complete this settlement;
- (d) An amount of \$25,000 as administrative compensation to the Real Estate Section and Legal Services for staff time related to this transaction, fees and disbursements, be charged to Capital Budget Item 59245-4400650661 - Lifesaver Park Project and credited to Account No. 57880-3560150200 - Property Purchases and Sales;
- (e) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;
- (f) That Report LS15017/PED15086, respecting Minutes of Settlement, Sections 26 and 30, *Expropriations Act*, part of 100 Cumberland Avenue, being Part 1 on Plan 62R-17378 remain confidential; and,
- (g) That the Minutes of Settlement remain confidential until approved by Council.

15. Property Acquisition for Strategic Expansion of City Facilities (PED15096) (Item 12.7)

- (a) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;

- (b) That Real Estate Staff be authorized and directed to enter into negotiations for the purposes of acquiring an interest in lands required to support the installation and/or operation of the proposed transit infrastructure and facilities;
- (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.
- (d) That Report PED15096, respecting the property Acquisition for the Strategic Expansion of City Facilities, remain confidential until such time as the real estate transaction is complete.

16. White Star Litigation Update (LS15019) (Added Item 12.8)

That Report LS15019 respecting the White Star Litigation Update be received and remain confidential.

17. City of Hamilton v Canada Post Litigation (LS15018) (Added Item 12.9)

- (a) That the City Solicitor be directed to appeal the decision of the Superior Court on Canada Post's application.
- (b) That the Mayor be directed to request support from FCM, other interested municipalities, AMO and the Attorney General of the Province of Ontario.
- (c) That privilege be waived on the legal opinion of the Honourable Ian Binnie.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

- (i) Added as Item 4.2 – a Delegation Request from John McGreal, respecting Item 7.3, Report CM14014(a) respecting Construction Projects in the Stadium Precinct, for today's meeting.
- (ii) Item 7.1 - 2015 Annual Report for the John C. Munro Hamilton International Airport, has been withdrawn from the agenda at this time and will be rescheduled to a future meeting of GIC.

- (iii) Item 8.2 – Parking Fee Exemption for all Ontario Veteran Licence Plate Holders (PED06157c)) was requested to be tabled to a future meeting.
- (iv) Added as Item 12.8 – Private and Confidential Report LS15019, respecting an Update on the White Star Litigation Matter
- (v) Added as Item 12.9 – Private and Confidential Report LS15018 respecting City of Hamilton v Canada Post Litigation

The agenda for the June 17, 2015 General Issues Committee meeting was approved, as amended.

(b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 3, 2015 (Item 3.1)

The Minutes of the June 3, 2015 meeting of the General Issues Committee were approved, as presented.

(c) DELEGATION REQUESTS (Item 4)

(i) Norman Kearney, The Peoples Platform, respecting the first Semi-Annual Monitoring Report Item 4.1)

The delegation request submitted by Norman Kearney, The Peoples Platform, respecting the first Semi-Annual Monitoring Report, was approved for a future meeting of GIC.

(ii) John McGreal, respecting Item 7.3, Report CM14014(a) respecting Construction Projects in the Stadium Precinct (Item 4.2)

The delegation request submitted by John McGreal, respecting Item 7.3, Report CM14014(a) about Construction Projects in the Stadium Precinct, was withdrawn.

(d) DELEGATIONS (Item 6)

(i) Nathalie Xian Yi Yan, PhD, respecting a Proposal for a Parcel of Land for an Acupuncture and Traditional Chinese Medical Health Science Centre (Item 6.1)

Nathalie Xian Yi Yan addressed Committee respecting a proposal for a parcel of land for an acupuncture and traditional Chinese Medical Health Science Centre with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the official record. Dr. Yan's comments included, but were not limited to, the following:

- Diseases that Traditional Chinese Medicine (TCM) can treat
- Description of TCM Sites
- Patient Testimonial
- Role of TCM in conventional Health Care
- Building a TCM hospital in Hamilton

The presentation from Nathalie Xian Yi Yan, PhD, respecting a Proposal for a Parcel of Land for an Acupuncture and Traditional Chinese Medical Health Science Centre, was received and referred to the Medical Officer of Health and the Real Estate Division for their review.

(e) STAFF PRESENTATIONS (Item 7)

(i) 2015 Annual Report for the John C. Munro Hamilton International Airport (Item 7.1)

This Item was withdrawn from the agenda and will be re-scheduled for a future meeting.

(ii) Hamilton Wentworth District School Board respecting the Board's Master Facilities Plan and the School Board Budget (Item 7.2)

Mr. Wes Hicks, Trustee, Hamilton Wentworth District School Board, began the Board's presentation respecting the Master Facilities Plan and the School Board Budget.

Mr. Hicks introduced Ms. Stacey Zucker, Superintendent of Business, Hamilton Wentworth District School Board, who then addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the official record. Ms. Zucker's presentation included, but was not limited to, the following:

- Budget Development
- Operating Revenues 2015-2016
- Student Enrolment and Trends
- Summary of Expenditures by Type
- Impact of 2015-2016 Budget Challenges
- Long-Term Facilities Master Plan
- Challenges for the Board

The presentation from Stacey Zucker, Superintendent of Business, Hamilton Wentworth District School Board, respecting the Board's Master Facilities Plan and the School Board Budget, was received.

(iii) Construction Projects in the Stadium Precinct (CM14014(a)) (Ward 3)

Mr. Paul Johnson, Director, Corporate Initiatives, addressed the Committee respecting Construction Projects in the Stadium Precinct with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the official record. Mr. Johnson's presentation included, but was not limited to, the following:

- Recap of Land Ownership at Scott Park and Collective Goals
- Actions taken since September 2014
- New Concept Plan and Accomplishments
- South Stadium Precinct Concept Plan
- Next Steps

The presentation respecting Construction Projects in the Stadium Precinct, was received.

For disposition on this matter refer to Item 8.

(f) DISCUSSION ITEMS (Item 8)

(i) Parking Fee Exemption for all Ontario Veteran Licence Plate Holders (PED06157c)) (Item 8.2)

This item was tabled to a future meeting.

(g) MOTIONS (Item 9)

(i) Status of White Star Property Matter (Item 9.1)

This item was withdrawn.

(h) NOTICE OF MOTIONS (Item 10)

(i) Public Process for the Disposition of Auchmar Estate in the City of Hamilton (Added Item 10.1)

Councillor Whitehead introduced the following Notice of Motion:

- (a) That the current real estate process respecting Auchmar Estate, be suspended.
- (b) That the public process for the disposition of Auchmar Estate be allowed to unfold so that the public proposal can be dealt with first.

- (c) That failing to find a resolution in the public process that the real estate process be re-instituted.

(ii) Possible Disposal and Sale of 178 Hixon Road (Added Item 10.2)

Councillor Collins introduced the following Notice of Motion:

Whereas, the erosion and failure of the slope at the top of the Red Hill Creek precipitated the municipal purchase of the home and property at 178 Hixon Road; and,

Whereas, the City of Hamilton invested over \$300,000 to purchase and remediate (demolish) the lands at 178 Hixon Road; and,

Whereas, the adjacent property owner has inquired about purchasing the vacant and surplus lot at 178 Hixon Road for fair market value;

Therefore be it resolved:

That Real Estate staff be directed to enter into discussion with the neighbouring property owner and report to the General Issues Committee regarding the possible disposal and sale of 178 Hixon Road.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

11.1 Amendments to the Outstanding Business List

- (a) Items to be removed:
 - (i) Item “T” – Temporary Delegated Authority (Loans/Grants) (PED14131(a)) – Item 1 of GIC Report 15-007, approved by Council May 11, 2015)
 - (ii) Item “Y” Appointment of Hamilton Farmers’ Market Board of Directors (Citizen Members) (Appointments were approved by Council on May 13, 2015)
 - (iii) Item “U” - Anti-Racism Resource Centre –Terms of Reference (Addressed as Item 5.3 on this agenda (FCS14044b))
- (b) Proposed New Due Dates:
 - (i) Item “A” - Tripartite Agreement re: Poverty Reduction
Current Due Date: June 17, 2015
Proposed New Due Date: August 10, 2015

- (ii) Item “K” – Corporate Organizational Changes
Current Due Date: June 17, 2015
Proposed New Due Date: September 16, 2015
- (iii) Item “B” – Ontario Works Caseload Numbers
Current Due Date: June 17, 2015
Proposed New Due Date: December 2, 2015
- (iv) Item “O” – Relocation of POA Courtrooms and Offices
Current Due Date: June 17, 2015
Proposed New Due Date: September 2, 2015

Item 11.1 (a) and (b) respecting amendments to the Outstanding Business List, was approved.

(i) PRIVATE & CONFIDENTIAL (Item 12)

As the General Issues Committee determined that no discussion, respecting the Closed Session Minutes of the May 20, 2015 and June 3, 2015 meetings of the General Issues Committee was required, the Minutes were approved in Open Session, as shown below:

(i) Closed Session Minutes – May 20, 2015 (Item 12.1)

The Closed Session Minutes of the May 20, 2015, meeting of the General Issues Committee were approved, as presented.

(ii) Closed Session Minutes – June 3, 2015 (Item 12.2)

The Closed Session Minutes of the June 3, 2015 meeting of the General Issues Committee were approved, as presented.

Committee moved into Closed Session, respecting Item 12.3 – Benefits Strategy/Labour Relations pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations; Item 12.4 - Funding for the Purchase of Surplus School Property - Bishop Ryan School in Hamilton (FCS15043) (Ward 5) pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; Item 12.5 - Land Exchange Part of 263 Jerseyville Road West and part 236 Crestview Avenue (PW15051) (Ward 12) pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; Item 12.6 - Minutes of Settlement, Sections

26 and 30, *Expropriations Act*, part of 100 Cumberland Avenue, being Part 1 on Plan 62R-17378 (LS15017/PED15086) (Ward 3) pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.; Item 12.7 - Property Acquisition for Strategic Expansion of City Facilities (PED15096) pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.; Item 12.8 - Update on White Star Litigation (LS15019) (Ward 2) pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and Item 12.9 – City of Hamilton v Canada Post Litigation Matter pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(iii) Benefits Strategy/Labour Relations (Item 12.3)

There was nothing to report in Open Session.

(iv) City of Hamilton v Canada Post Litigation (LS15018) (Added Item 12.9)

Mayor Eisenberger, Councillor Collins, Councillor Ferguson and Councillor Partridge requested to be recorded as being opposed to this matter.

(j) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee, adjourned at 2:48 p.m.

Respectfully submitted,

Councillor T. Jackson, Deputy Mayor
Chair, General Issues Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk

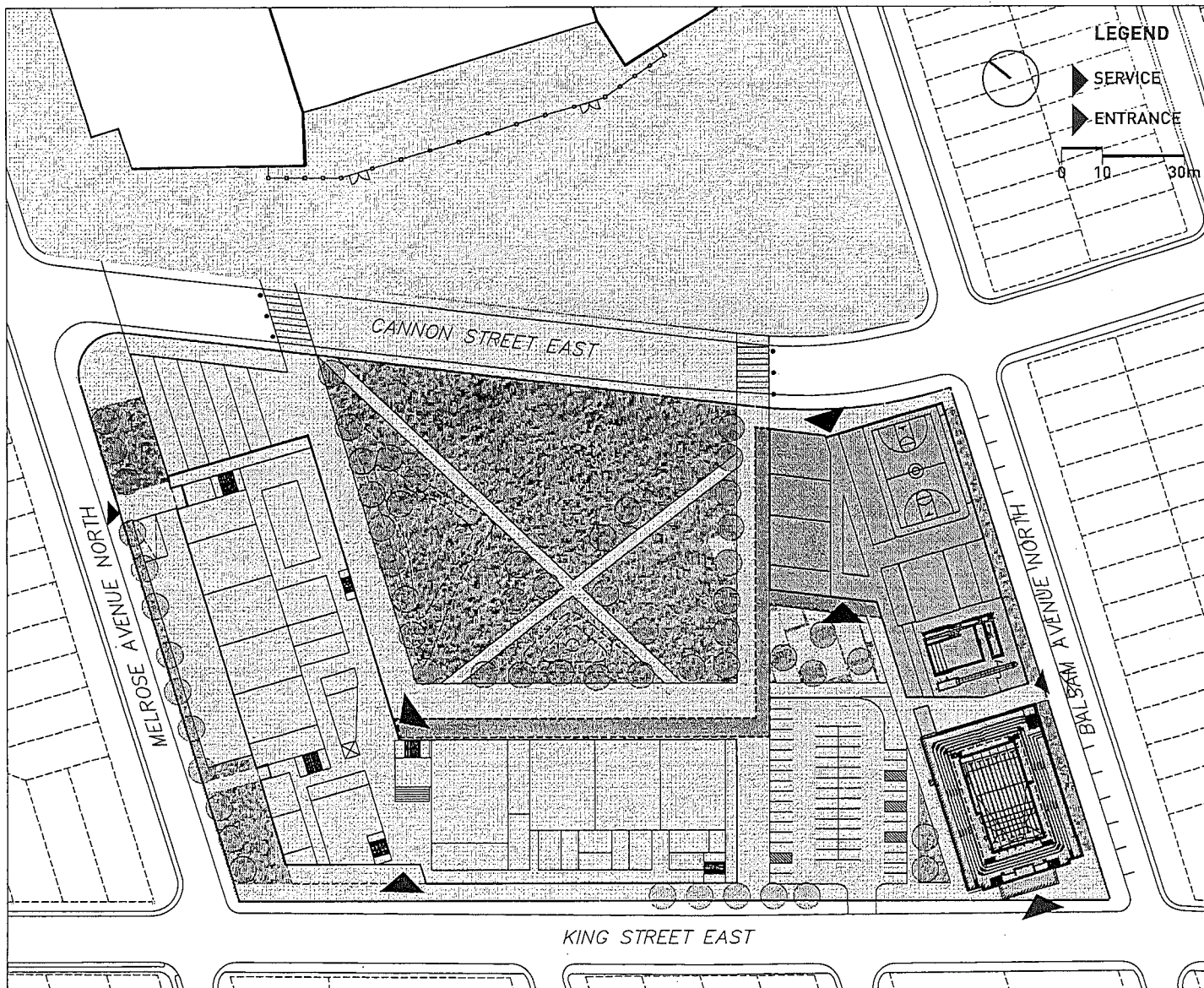
SOUTH STADIUM PRECINCT CONCEPT PLAN

North Secondary School

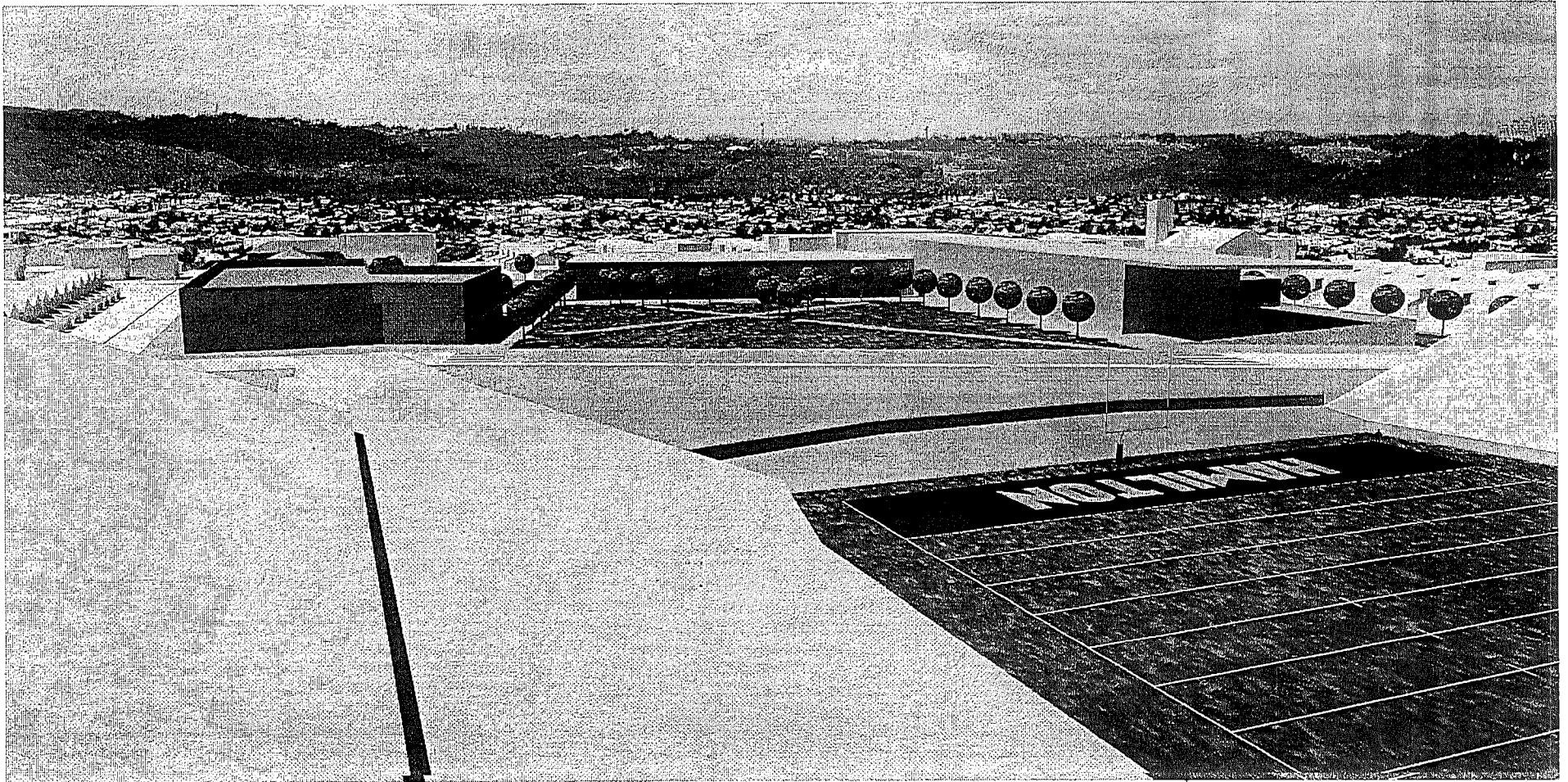
Footprint - 72,500 sf
Gross - 166,400 sf
Stories - 3

Bernie Morelli Recreation Centre

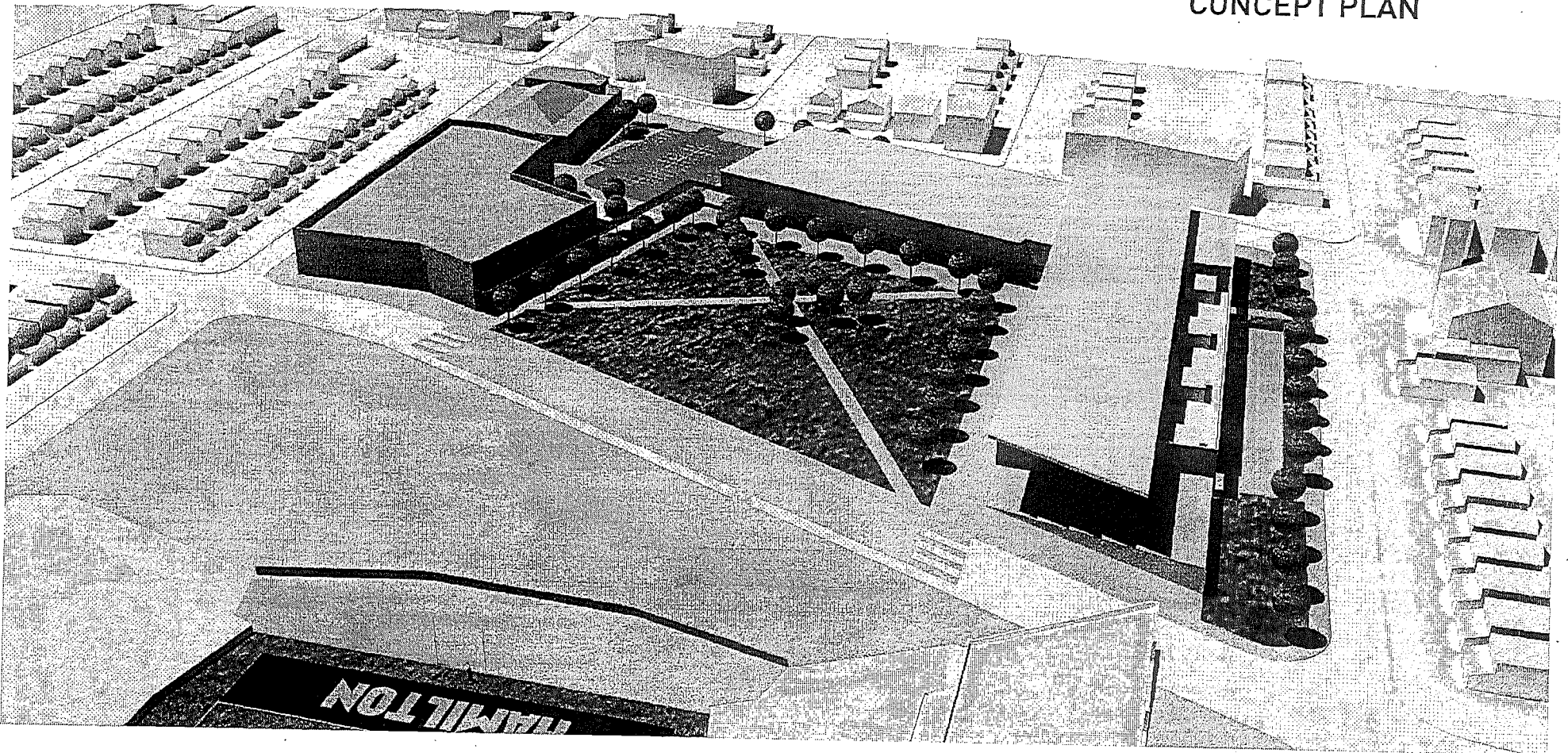
Footprint - 32,200 sf
Gross - 43,500 sf
Stories - 2



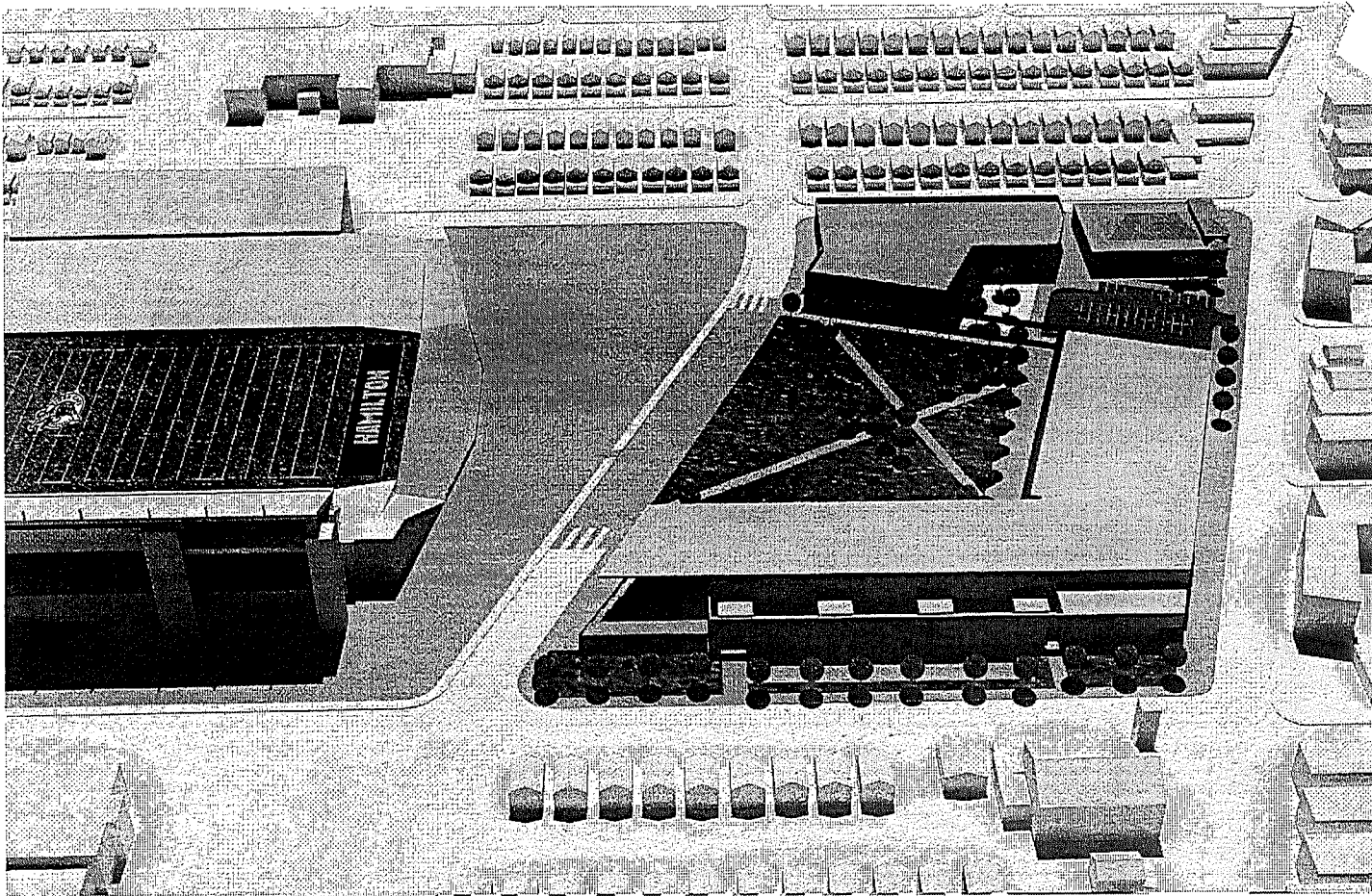
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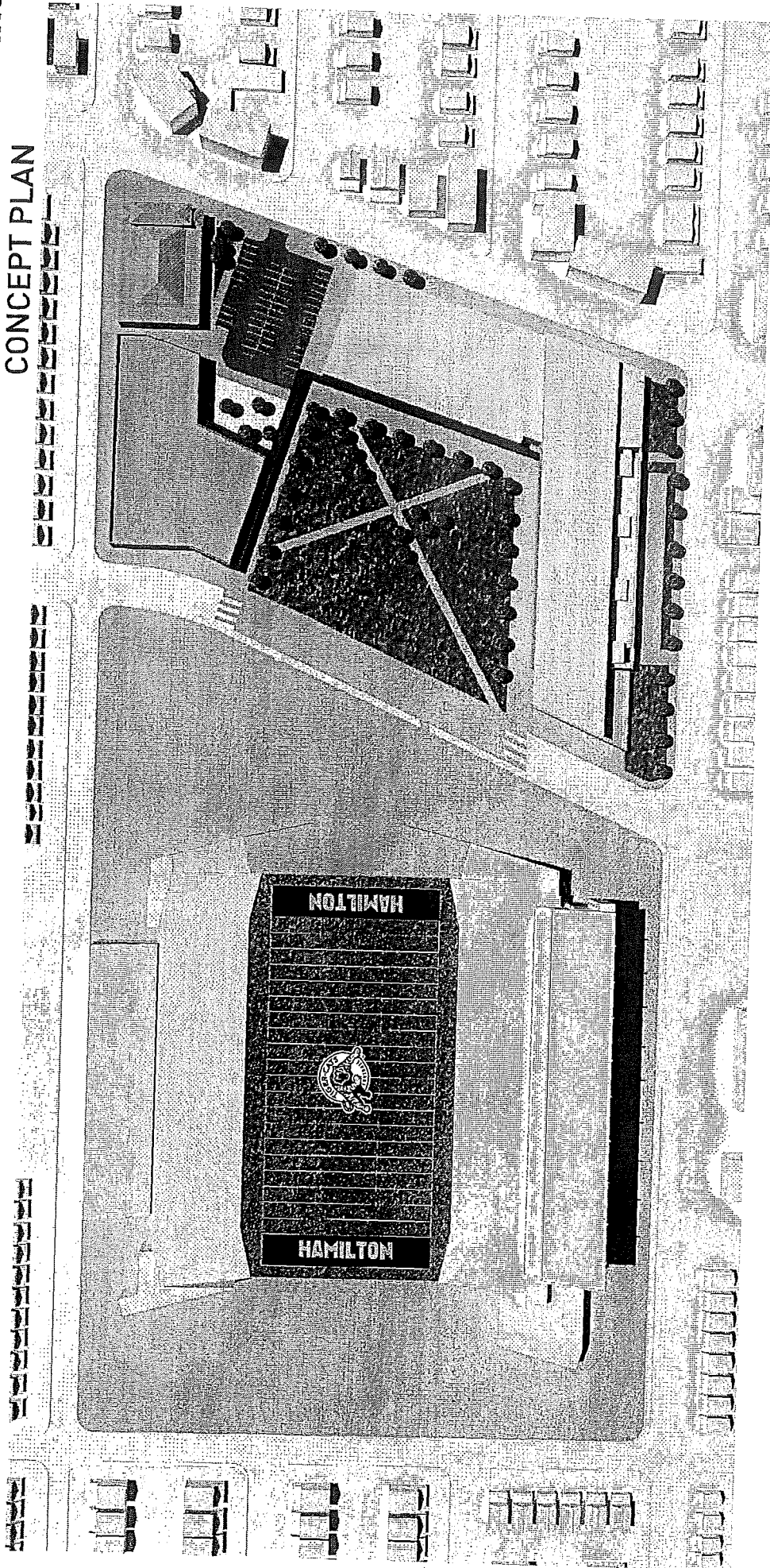
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**SOUTH STADIUM PRECINCT
CONCEPT PLAN**



SOUTH STADIUM PRECINCT CONCEPT PLAN



Pan Am Games, Games Route Network Temporary Traffic Amendments

Based on experience with Tiger-Cats games, concerts and other events at the stadium, the road network generally operates satisfactorily and traffic congestions is limited and reasonable before and after events. However, based on the needs of Pan Am Games Client Groups and the estimated high spectator shuttle services to the GO Stations and spectator parking locations, it is recommended that the following traffic operational amendments be implemented, effective July 10 to July 27, 2015.

Designated Traffic Lanes -

- Gage Avenue - 50m south of King Street to King Street, second lane from east curb, anytime, northerly to westerly
- Gage Avenue - 50m south of Cannon Street to Cannon Street second curb lane from east curb, anytime, northerly to westerly

That all of the above temporary traffic amendments be implemented for the Pan Am Games be rescinded at the conclusion of the Games.

That the By-law, attached as Appendix C to Report PW15048, being a By-law to amend By-law 01-218, being a By-law to Regulate Traffic.

Residential Special Event Permit Parking Plan

In order to minimize infiltration of spectator parking in the residential area surrounding the CIBC Hamilton Pan Am Soccer Stadium (Tim Hortons Field) during the Pan Am Games, a Special Event Resident Permit Parking Program will be implemented in the area bounded by Sherman Avenue North and Gage Avenue North, Barton Street East and King Street East. This program will ensure that on-street parking remains accessible to area residents.

The Special Event Permit Parking area, on-street parking signage will be changed to "Parking by Special Event Permit Only from July 11 to 26 on the side of the street that has the greatest number of parking spaces, The opposite side of the street will be signed with a "No Parking" regulation to maintain access on the roadway. This change will have minimal impact since all of the affected streets currently have parking regulations that allow parking only on one side of the street. These changes will maximize the availability of on-street parking in the neighbourhood. Due to the significant number of parking regulation changes required for this event, changes to the neighbourhood on-street parking regulations will be completed throughout June, however, they will not come into effect until July 11. In all cases, public on-street parking will continue to be available on one side of each residential street.

Within the Special Event Permit Parking Area, there will be four streets where parking will be prohibited anytime from 7:00 a.m., July 5 to 7:00 a.m., July 27, 2015. These include:

- Beechwood Avenue from Melrose Avenue North to Balsam Avenue North;
- Balsam Avenue North from Cannon Street East to Beechwood Avenue;
- Melrose Avenue North from Cannon Street East to Beechwood Avenue;
- Cannon Street East from Lottridge Street to Gage Avenue North.

These streets are within an area referred to as the "hard closure area". This is required for security reasons. On-street parking signage will be changed to "No Parking" on both sides of the street on July 4 and will come into effect on July 5. Residents in this area with Access Permits will be able to perform short-duration loading activities adjacent to their homes but will not be permitted to park on the street. Residents will be able to utilize their driveways to park their own vehicles on-site or will be provided with an off-site parking space.

The following is an outline of the Special Event Resident Permit Parking Program:

1. Each residence (one, two or three family dwellings) in the Special Event Permit Parking Area, with the exception of the residences located in the hard closure area, will be issued one Special Event Resident Parking Permit for on-street parking. Permits are not required to access or park in a residential driveway;
2. Residents living on a hard closure street (restricted access) will be issued an Access Permit for each vehicle registered to the property that can be parked legally within their driveway. On-street parking will not be available on the hard closure streets;

3. Residents living on a hard closure street, who are unable to park on their own property, will be issued a modified Access Permit to allow short term loading activities adjacent to their homes. They will also be provided with a parking space at a nearby designated parking location (Scott Park or former Parkview School site);
4. Residents on Connaught Avenue North from Cannon Street East to the Parkview School site will be issued both an Access Permit and a Residential Special Event Parking Permit, to allow access through the hard closure area, and to allow parking on-street within this block;
5. Special Event Parking Permits and Access Permits will not be issued to businesses and/or their employees;
6. Commercial vehicles and heavy vehicles will not be eligible for permits as these classes of vehicles are not eligible for permits through the existing provisions of the By-law to Regulate On-Street Parking, By-law 01-218.

In addition to the Resident Special Event Parking Program, additional parking regulation modifications are required to accommodate traffic flow and loading requirements for the various modes of transportation.

1. Games Route Network - In order to accommodate the additional vehicle and shuttle traffic demands generated by this event:
 - a. A full time "School Bus Loading Zone" will be established on the north side of King Street East from Balsam Avenue to approximately 40m west of Melrose Avenue to accommodate McMaster, Mohawk College and GO Transit shuttle services. There will no loss of parking as a result of this change;
 - b. That a "School Bus Loading Zone" regulation be implemented on the north side of King Street between Barnesdale Avenue South and Lottridge Street on July 11 only to accommodate additional loading requirements on this day;
 - c. A "No Parking – Except for Authorized Coach Busses" regulation will be implemented on the east side of Gage Avenue North Barton Street East northerly to the CNR tracks;
 - d. A "Taxi Stand" regulation will be implemented on the west side of Gage Avenue North from Barton Street East northerly to the CNR tracks;
 - e. The north sides of King Street East and Main Street East from Sherman Avenue North to Gage Avenue North will be regulated by a "No Parking" regulation. The operational times of this regulation will be adjusted according the operational needs of the event;
 - f. The south side of King Street East will be regulated by a "No Parking" regulation on July 11, 25 and 26;

- g. Gage Avenue North will be regulated by a full time "No Parking" regulation from July 11 to July 26" regulation on both sides of the street from Main Street East to Barton Street East.
2. Melrose Avenue North between Cannon Street East and Beechwood Avenue will be used as a major loading hub for games related activities and the following loading areas will be designated on the east side of the street for this block:
 - a. "No Stopping Except for Authorized Pan Am Vehicle Loading";
 - b. "No Stopping Except for Authorized Busses";
 - c. "No Stopping Except for Authorized Security Vehicles".
3. Melrose Avenue North between Beechwood Avenue and Barton Street East will be a major exit route for all traffic exiting the hard closure area and on-street parking will not be permitted within this block with the exception of 2 existing reserved disabled parking spaces.
4. Additional parking regulation changes will be required to accommodate shuttle loading activities at McMaster University and in the vicinity of the West Harbour GO Station. At the preparation of this report, the details of these operations were not confirmed. As a result, separate parking regulation changes may be required and will be addressed through a separate routine parking by-law amendment.

The Hamilton Municipal Parking System will be assigning additional enforcement resources during the Game days with one supervisor assigned to monitor the location and work with the Hamilton Police Services as required.

Towing vehicles from the restricted area will be done by Parking Enforcement, under the direction of the Hamilton Police Services Commander. The remaining Special Event Resident Permit Parking Area will have normal towing policies and procedures applied.

Recommended parking regulation changes are as follows;

- The following streets have a "Special Event Permit Parking" regulation in effect where parking is allowed on local resident streets by residents only, within the defined boundaries during the Pan Am soccer events at CIBC Hamilton Pan Am Soccer Stadium:
 1. Balsam Avenue North, West Side, from Beechwood Avenue to Barton Street East;
 2. Beechwood Avenue, North Side, from Lottridge Street to Melrose Avenue North;
 3. Beechwood Avenue, South Side, from Balsam Avenue North to Gage Avenue North;
 4. Beechwood Avenue, South Side, from Sherman Avenue North to Lottridge Street;
 5. Barnesdale Avenue North, East Side, from Edward Street to Cannon Street East;

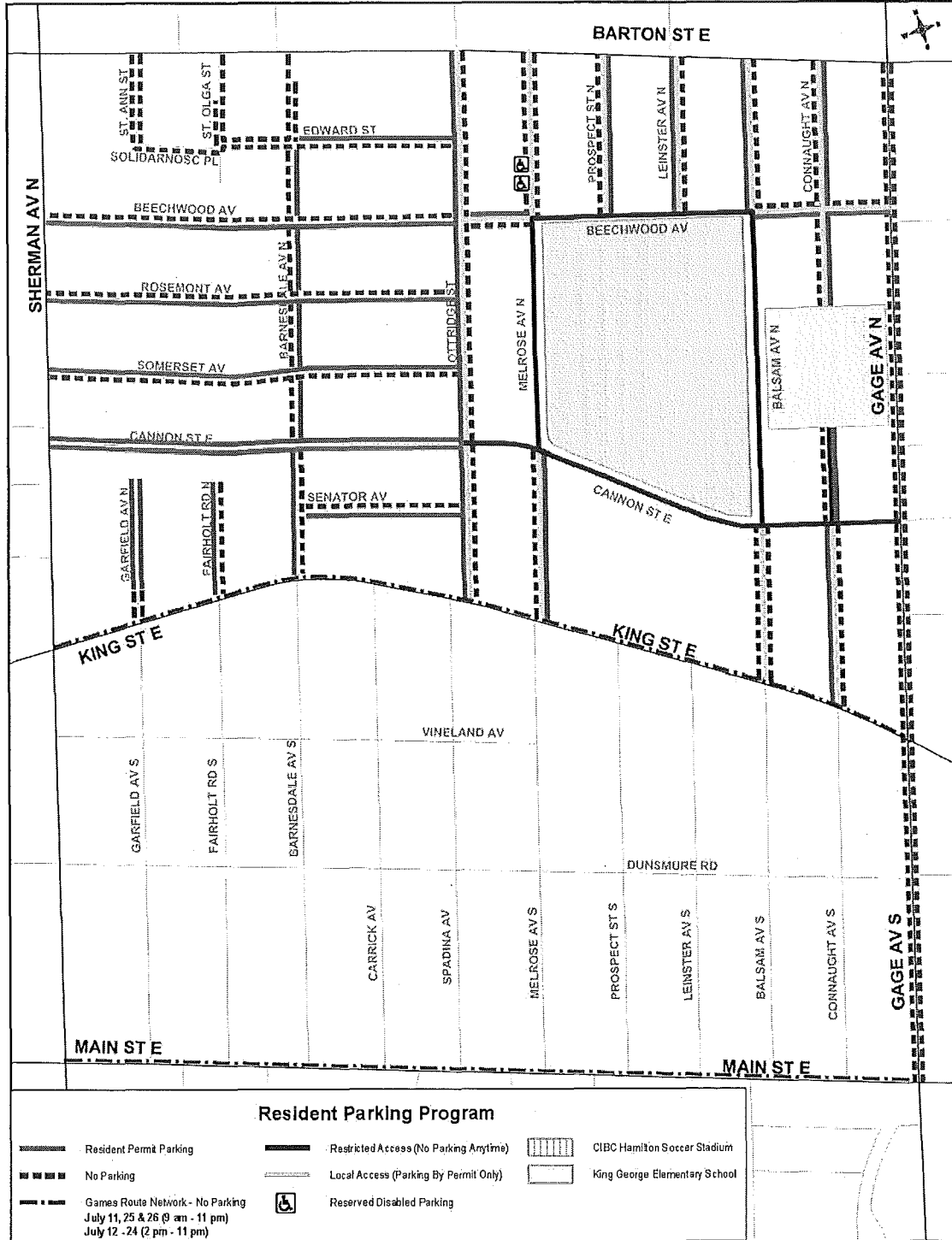
6. Barnesdale Avenue North, West Side, from Cannon Street to King Street East;
 7. Cannon Street East, Both Sides, from Sherman Avenue North to Lottridge Street;
 8. Connaught Avenue North, West Side, from King Street to Cannon Street East;
 9. Connaught Avenue North, East Side, from Cannon Street East to Barton Street East;
 10. Edward Street, North Side, from Barnesdale Avenue North to Lottridge Street;
 11. Fairholt Road North, West Side, from King Street East to northerly end;
 12. Garfield Avenue North, Both Sides, from King Street East to northerly end;;
 13. Leinster Avenue North, West Side, from Beechwood Avenue to Barton Street East;
 14. Lottridge Street, West Side, from King Street East to Barton Street East;
 15. Melrose Avenue North, East Side, from King Street East to Cannon Street East;
 16. Melrose Avenue North, West Side, from Beechwood Avenue to Barton Street East (for the two reserved disabled parking spaces);
 17. Prospect Street North, East Side, from Beechwood Avenue to Barton Street East;
 18. Rosemont Avenue, South Side, from Barnesdale Avenue North to Lottridge Street;
 19. Senator Avenue, South Side, from Barnesdale Avenue North to Lottridge Street;
 20. Somerset Avenue, North Side, from Sherman Avenue North to Lottridge Street.
- The Resident Special Event Parking Permits and Access Permits are issued at no charge to area residents in accordance with eligibility criteria outlined in this Appendix.
 - The following hard closure streets have a full-time “No Parking” regulation implemented on both sides of the street and the regulations be in effect from 7:00 a.m., July 5 to 7:00 a.m., July 27, 2015:
 - i. Beechwood Avenue from Melrose Avenue North to Balsam Avenue North;
 - ii. Balsam Avenue from Cannon Street East to Beechwood Avenue;
 - iii. Melrose Avenue North from Cannon Street to Beechwood Avenue;
 - iv. Cannon Street East from Lottridge Street to Gage Avenue North.

- Melrose Avenue North from Beechwood Avenue to Barton Street East have a full-time “No Parking” regulation implemented on both sides ,except for the two existing reserved disabled “Permit Parking” spaces on the west side of the street, directly in front of 127 Melrose Avenue North, and 129 Melrose Avenue North.
- The following streets with an “Alternate Side Parking” regulation be changed to a full-time “No Parking” regulation on the identified side of the street:
 - i. Balsam Avenue North, from Beechwood Avenue to Barton Street East , a “No Parking” regulation be implemented on the east side of the street;
 - ii. Barnesdale Avenue North, from Edward Street to Cannon Street, a “No Parking” regulation be implemented on the west side of the street;
 - iii. Beechwood Avenue, from Lottridge Street to Melrose Avenue North, a “No Parking” regulation be implemented on the south side of the street;
 - iv. Beechwood Avenue, from Balsam Avenue North to Gage Avenue North, a “No Parking” regulation be implemented on the north side of the street;
 - v. Beechwood Avenue, from Sherman Avenue North to Lottridge Street, a “No Parking” regulation be implemented on the north side of the street;
 - vi. Connaught Avenue North, from Cannon Street East to Barton Street East, a “No Parking” regulation be implemented on the west side of the street;
 - vii. Connaught Avenue North, from King Street East to Cannon Street East, a “No Parking” regulation be implemented on the east side of the street;
 - viii. Edward Street, from Barnesdale Avenue North to Lottridge Street, a “No Parking” regulation be implemented on the south side of the street;
 - ix. Fairholt Road North, from King Street East to the northerly end, a “No Parking” regulation be implemented on the east side of the street;
 - x. Leinster Avenue North, from Beechwood Avenue to Barton Street East, a “No Parking” regulation be implemented on the east side of the street;
 - xi. Prospect Street North, from Beechwood Avenue to Barton Street East, a “No Parking” regulation be implemented on the west side of the street;
 - xii. Rosemont Avenue, from Sherman Avenue North to Lottridge Street, a “No Parking” regulation be implemented on the north side of the street;
 - xiii. Somerset Avenue, from Sherman Avenue North to Lottridge Street, a “No Parking” regulation be implemented on the south side of the street.
- A “No Stopping (Authorized Vehicle Loading Exempt) regulation be implemented on the east side of Melrose Avenue North between Cannon Street East and Beechwood Avenue;
- A “No Stopping” (Authorized Busses Exempt) regulation be implemented on the east side of Melrose Avenue North between Cannon Street East and Beechwood Avenue;

- A “No Stopping” (Authorized Security Vehicles Exempt) regulation be implemented on the east side of Melrose North between Cannon Street East and Beechwood Avenue;
- A “No Parking” regulation be implemented on both sides of Gage Avenue from Main Street East to Barton Street East;
- A “No Parking” regulation be implemented on the north side of Main Street East from Sherman Avenue North to Gage Avenue North;
- A “No Parking” regulation be implemented on the north side of King Street East from Gage Avenue North to Sherman Avenue North;
- A “School Bus Loading Zone” regulation be implemented on the north side of King Street East from Balsam Avenue to 40m west of Melrose Avenue;
- A “No Parking” regulation be implemented on the South Side of King Street East from Gage Avenue North to Sherman Avenue North on July 11, 25 & 26;
- The following reserved disabled “Permit Parking” spaces be removed as a result of the temporary conversion of alternate side parking to parking on one side of the street:
 - i. Rosemont Avenue North from 80.2m east of Sherman Avenue to 7m easterly, Anytime;
 - ii. Rosemont Avenue North from 104.9m east of Sherman Avenue to 6m easterly, Anytime;
 - iii. Somerset Avenue South from 134.5m west of Barnesdale Avenue to 6m westerly, Anytime;
 - iv. Somerset Avenue South from 101.8m west of Barnesdale Avenue to 5.5m westerly, Anytime.
- A “No Parking” (Authorized Coach Busses Exempt) regulation be implemented on the east side of Gage Avenue North from Barton Street East northerly to the CNR tracks;
- A “Taxi Stand” regulation be implemented on the west side of Gage Avenue North from Barton Street East northerly to the CNR tracks;
- The existing “No Parking” regulation on the south side of Cannon Street East from Sherman Avenue North to Lottridge Street be removed;
- The existing “No Stopping, 7:00 a.m. to 9:00 a.m., Monday to Friday” rush hour regulation be removed from the north side of Cannon Street East from Sherman Avenue North to Lottridge Street;
- The existing “No Stopping, 4:00 p.m. to 6:00 p.m., Monday to Friday” rush hour regulation be removed from both sides of Cannon Street East from Sherman Avenue North to Lottridge Street;

- The existing “No Stopping, 7:00 a.m. to 9:00 a.m., Monday to Friday” rush hour regulation be removed from the north side of King Street East from Balsam Avenue and Lottridge Street;
- The existing “No Stopping, 7:00 a.m. to 9:00 a.m., Monday to Friday” rush hour regulation be removed from the east side of Gage Avenue North from Barton Street northerly to the CNR tracks;
- The existing “No Stopping, 4:00 p.m. to 6:00 p.m., Monday to Friday” rush hour regulation be removed from the west side of Gage Avenue North from Barton Street East northerly to the CNR tracks;
- The following “Time Limit Parking” regulations be rescinded:

Connaught	East	Barton to 85’ South	1 hr.	8 a.m. - 6 p.m.	Mon - Sat
Connaught	West	King to 28.4m northerly	1 hr.	8 a.m. - 6 p.m.	Mon - Sat
Leinster	Both	Barton to Beechwood	3 hr.	8 a.m. - 6 p.m.	Mon - Sat
Lottridge	West	King to Senator	1 hr.	8 a.m. - 6 p.m.	Mon - Sat
Melrose	West	Barton to 32m South	1 hr.	8 a.m. - 6 p.m.	Mon - Sat
Senator	South	Barnesdale to Lottridge	1 hr.	Anytime	Anyday;
- The existing “No Parking, 8:00 a.m. to 12:00 noon, 2nd Thursday of each month, April to November be removed from the west side of Lottridge Street from King Street East to Barton Street East;
- A “School Bus Loading Zone: regulation be implemented on the north side of King Street between Barnesdale Avenue South and Lottridge Street on July 11, 2015 only;
- All of the above temporary parking regulation changes implemented for the Pan Am Games will be rescinded at the conclusion of the Games;
- That the By-law, attached as Appendix D to Report PW15048, being a By-law to amend By-law 01-218, being a By-law to Regulate On-Street Parking, be passed.



City of Hamilton

HAMILTON TAX INCREMENT GRANT PROGRAM
Grant Payment – Agreement

Application No. HTIGP 10/14

DATE: May 14, 2015

PROPERTY INFORMATION

Name of registered property owner: Royal Connaught Inc.
Attention: Rudi Spallacci

Address of property (subject of Grant Program): 112 King Street East
Hamilton

Roll Number(s): 2518.020.151.50430.0000

Mailing Address of Owner (where address is different from address of property)

Royal Connaught Inc.
Q-85 Lancing Drive
Hamilton, Ontario
L8W 2Z9

The estimated grant shall be calculated according to the following formulas:

Grant Level:		100%	
Total Eligible Costs (Maximum):	\$	48,850,000	
Estimated Pre-project Assessed Value: (MT) (Multi-Residential)	\$	2,125,000	Year: 2015
Estimated Municipal Levy:	\$	68,950.68**	
Estimated Education Levy:	\$	4,313.75**	
Estimated Pre-project Property Taxes	\$	73,264.43	
Estimated Post-project CVA:(RT and XT)	\$	50,000,000*	Year: TBD
Estimated Municipal Levy:	\$	609,513.41**	
Estimated Education Levy:	\$	116,755.00**	
Estimated Post-project Property Taxes:	\$	726,268.41	

Municipal Tax Increment = Post-project Municipal Taxes (actual) - Pre-project Municipal Taxes

Note: The post-development assessed value and property taxes are the sum of all new roll numbers.

"Grant Payment in Year One (1)" (first full calendar year after re-valuation of the completed and occupied project by MPAC) or the "Initial Grant Payment" = Municipal Tax Increment *100%

Calculation of Estimated Grant Payment in Year One (1) (Initial Grant)

Pre-project Municipal Taxes = Municipal Levy = \$68,950.68
Municipal Tax Increment = \$609,513.41 - \$68,950.68 = \$540,562.73
Payment in Year One (1) = \$540,562.73 x 1.0 = \$540,562.73

ESTIMATED GRANT PAYMENT SCHEDULE

(Subject to re-calculation each year and up to the total eligible costs)

Year*	Grant Factor	Tax Increment	Grant
1	100%	\$540,562.73	\$540,562.73
2	80%	\$540,562.73	\$432,450.18
3	60%	\$540,562.73	\$324,337.63
4	40%	\$540,562.73	\$216,225.09
5	20%	\$540,562.73	\$108,112.54
Total		\$2,702,813.65	\$1,621,688.17

Notes:

*Phase One consists of a portion of the property, therefore, the pre-development assessment has been estimated at 30% of the 2015 assessed value. MPAC will determine the actual pre-development assessment.

The estimated pre-development assessment, tax class and property tax may change as there are outstanding Assessment Appeals for this property.

The actual post-development assessed value(s), tax classification(s) and value partitioning (where applicable) to be determined by the Municipal Property Assessment Corporation (MPAC).

**2014 tax rates used for calculation of estimated property taxes as 2015 tax rates are unknown at this time.

Each condominium unit will have its own roll number and assessed value. This may also be the case with regard to the commercial areas and/or parking and any other area as determined by MPAC.

Grant Terms

1. The actual amount of annual Grant payments are subject to re-calculation of (Municipal Tax Increment*the applicable %) in each and every year.
2. The total value of the sum of the annual Grant payments that may be provided under the Hamilton Tax Increment Grant Program shall not exceed the total

eligible costs of the said redevelopment that have been accepted by the City (\$48,850,000).

3. Annual Grant payments shall be paid, subject to these terms and conditions, by the City to a maximum of 5 payments. Such payments shall cease when the total amount paid out equals the total eligible cost amount as determined by the City, or after 5 grant payments, whichever comes first.
4. The total value of the eligible Grant provided under this Program shall be reduced by: (a) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to any other City programs; and (b) the amount by which property taxes have been reduced or cancelled for the subject property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board.
5. The Grant Payment in Year One and subsequent annual Grant payments are calculated based upon changes in property taxes as a result of completion of the accepted eligible works and construction and improvement to the Property.
6. If at any point after the original redevelopment of the land, new construction is added to the land that is not part of the original Hamilton Tax Increment Grant Program application, the Grant will be calculated only in respect of the original eligible costs, original redevelopment works, and original building size contained in the original Hamilton Tax Increment Grant Program application.
- 7.1 The initial Grant payment is not payable by the City until each of the following conditions are fulfilled to the satisfaction of the City:
 - (a) redevelopment of the Property is completed in accordance with the proposed redevelopment as specified in the Hamilton Tax Increment Grant Program application;
 - (b) the Owner has supplied the City with evidence satisfactory to the City as to the amount of the eligible costs incurred by the Owner;
 - (c) the Owner has satisfied the City that the total eligible costs, incurred in respect of the redevelopment have been paid in full and that there are no liens, claims or litigation in respect of the Owner's obligation to pay the total eligible costs;
 - (d) the Owner has satisfied the City that the accepted redevelopment that is subject of the Grant application has not been substantially altered or has not been demolished;
 - (e) the Owner has satisfied the City that there are no outstanding work orders and / or orders or requests to comply from any City department or other regulatory authority in respect of the redevelopment, the property and the business of the Owner conducted on the Property;

- (f) the Owner has satisfied the City that the Owner, its redevelopment and property are in full compliance with:
 - (i) any Agreement(s) relating to the property in favour of the City, including any Agreement relating to: condominium, service, site plan approval, encroachment, joint sewer & water use, easement or other Agreement; and,
 - (ii) by-laws of the City and provincial and federal legislation and regulations.
 - (g) the Owner has satisfied the City that the assessed value of the subject Property has increased as a result of the said redevelopment to the Property and that the assessed value was increased for reasons that meet the eligibility requirements of the City's Hamilton Tax Increment Grant Program;
 - (h) the Owner or the municipality has not appealed said increased assessed value and there exists no other pending appeal which has not been settled completely in respect of the assessed value as of a date which is either in advance of or as of a date, which follows the said redevelopment;
 - (i) the Owner has satisfied the City that the property taxes for the year during which property taxes were calculated pursuant to the said increased assessment and for each of the preceding years, have been paid in full, have not been deferred and there are, at the time of application for payment of the annual Grant payment, no instalments for the current year remaining to be invoiced and paid; and,
 - (j) the Owner has satisfied the City that the Owner, as of the date of the proposed Grant payment, has paid in full and not deferred all other charges (where applicable) against the Property in favour of the City, including but not limited to: development charges, park land dedication fees, special assessments and frontage charges.
- 7.2 Subsequent annual grants, as set out herein, will be payable each year upon the written request of the Owner where the Owner has satisfied the City as to the matters set out in paragraphs 7.1 (d), (e), (f), (h), (i) and (j) above.
- 7.3 The amount of each subsequent Grant is equivalent to the Municipal Tax Increment (MTI) for the year in which payment is to be made. The MTI shall be calculated as shown in Section 3 of this Agreement. It is acknowledged that the amount of this grant may vary up or down from year to year during the term of this Agreement. No grant is payable where the MTI is zero or a negative value.
8. Notwithstanding Paragraph 7(h) herein, the City may pay 75% of the annual Grant payable to the Owner where property assessment appeals have been filed.

9. The decision of the City regarding the total amount of eligible costs and the calculation of the actual total redevelopment Grant and annual Grant payments is final.
10. Payment of the Grant and the actual amount of the total Grant will be subject to the City's review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City subject to verification, third party review or independent audit, at the expense of the Owner.
11. Grants are not payable by the City until such time as all taxes eligible for a Grant have been billed by the City, and all outstanding taxes have been paid in full for all years by the Owner. Prior to any Grant cheque being issued all property taxes must be paid and in good standing. Penalty / interest will be charged on all outstanding taxes. Penalty / interest on arrears will be 15% per annum or such tax arrears interest rate as may be established by Council from time to time.
12. On an annual basis, the City, upon ascertaining that the Owner is in compliance with this Agreement and has met all and any other requirements of the City, shall pay the annual Grant payment.
13. If in the opinion of the City the property is not maintained in its rehabilitated condition, the City may, at its own discretion and without notice, terminate all future Grant payments and require repayment of all Grant payments already paid out by the City to the Owner.
14. The City retains the right at all times not to make any or all of the Grant payments or to delay payment where the City deems that there is non-compliance by the Owner with this Agreement. In particular, without limiting the generality of the foregoing, the Grant is conditional upon periodic reviews satisfactory to the City to there being no adverse change in the redevelopment and to there being compliance on the part of the Owner with all other requirements contained in this Agreement.
15. Where property taxes are in arrears on the subject Property for a year or more, the City may, at its discretion and without notice, terminate all future Grant payments.
16. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property the City shall have absolute discretion in ceasing any further grant payments.
17. Where the Owner is a corporation, the Owner covenants and agrees that in the event that:

- a) the Owner fails to supply the City, in a form satisfactory to the City, such information relating to the ownership of its shares as the City may from time to time require; or
- b) without the written consent of the City first had and obtained:
 - i) the Owner issues or redeems any of its shares or transfers any of its shares;
 - ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner;
 - iii) the Owner amalgamates, merges or consolidates with any other corporation,

and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then future grant payments under the Program shall cease at the absolute discretion of the City.

18. The Owner covenants and agrees that in the event that:

- (a) all Grant Payments pursuant to this Agreement have been made; or
- (b) if the Owner has sold the Property,

and the property taxes that were used to calculate the Grant provided to the Owner under the Agreement have been reduced for any reason whatsoever and the City has subsequently determined in its sole, absolute and unfettered discretion that the total value of the Grant provided to the Owner under the Hamilton Tax Increment Grant Program pursuant to this Agreement is required to be reduced as a result of the reduction of the property taxes which were used to calculate the Grant, the Owner shall repay to the City on demand the overpayment of any Grant monies paid to the Owner under this Agreement. The Owner's obligation hereunder shall survive the termination of this Agreement.

IN WITNESS WHEREOF the parties duly execute this Agreement, as follows as of the day and date set out in the date of this Agreement:

Approved As To Form:
Legal Services

CITY OF HAMILTON

(1 -)

Fred Eisenberger, Mayor

Rose Caterini, City Clerk

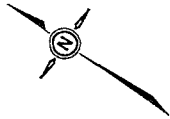
OWNER

per: _____

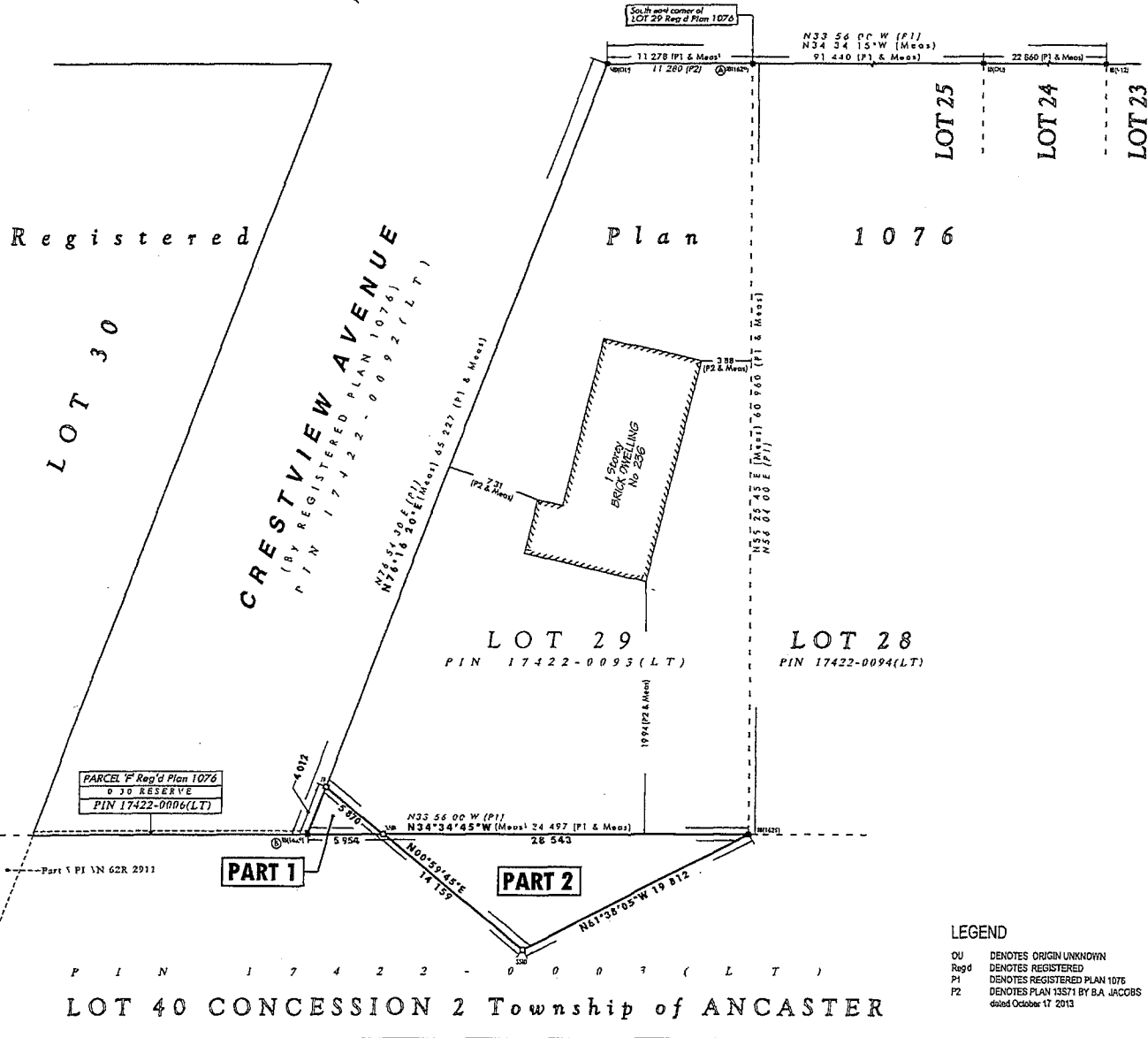
per: _____ c/s

I/We have authority to bind the corporation

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.2808



(By REGISTERED PLAN 1076)



SCHEDULE					
PART	LOT	CONCESSION/PLAN	FIN	AREA	TRANSFEREE
1	PART OF LOT 29	Part of Plan 1076	PART OF 17422-0095(LT)	11m ²	ROBERT CARNEGIE LAURETTE TRAVAGLIA-CARNEGIE
2	PART OF LOT 40	2	PART OF 17422-0003(LT)	129m ²	CITY OF HAMILTON

PLAN OF SURVEY OF
PART OF LOT 29
REGISTERED PLAN 1076
 AND
PART OF LOT 40
CONCESSION 2
 IN THE
 GEOGRAPHIC TOWNSHIP OF ANCASTER
 IN THE
CITY OF HAMILTON

SCALE = 1:200
 5 0 5 10 meters
 DAVID A. LAMONT ONTARIO LAND SURVEYOR

BEARING AND COORDINATE NOTE

BEARINGS ARE GRID BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS AND ARE REFERRED TO THE UTM NAD83 (CHENAI) COORDINATE SYSTEM ZONE 17 CENTRAL MERIDIAN 81° WEST LONGITUDE.
 DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.99965495
 COORDINATES ON THIS PLAN ARE BASED ON GNSS OBSERVATION VERIFIED FROM THE FOLLOWING MONUMENTS

UTM COORDINATES (Metres)		
Reference Points	Northing	Easting
00880015	4782819.193	579005.172
025760040	4787890.012	583719.473
OBSERVED REFERENCE POINTS (ORP) as per Section 14(2) of O Reg 216/10		
ORP-A	4788333.282	581157.052
ORP-B	4788327.113	581087.296

THESE COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
 1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM
 2 THE SURVEY WAS COMPLETED ON THE 26th DAY OF SEPTEMBER 2014

SEPTEMBER 26 2014
 DATE DAVID A. LAMONT O.L.S.

City of HAMILTON
 Geomatics and Corridor Management

FIELD BOOK	AMC	FILE NO	Y:\m\2014\ANCAS\PM\011009	DATE	2014-09-26
SURVEYED BY	SLW	CREATED BY	SLW	CHECKED BY	D.A.L. O.L.S.

GORO MCGUIRE O.L.S. MANAGER

PLAN No. RB-A-877-C SURVEYS

LEGEND

- OU DENOTES ORIGIN UNKNOWN
 - Reg'd DENOTES REGISTERED
 - P1 DENOTES REGISTERED PLAN 1076
 - P2 DENOTES PLAN 135/1 BY B.A. JACOBS
- 6/26/2013 October 17 2013

Appendix E to GIC Report 15-013

ENVIRONMENT AND LAND TRIBUNALS ONTARIO

BOARD OF NEGOTIATION

BN File No. 13:48

IN THE MATTER of subsection 26(a) of the *Expropriations Act*, R.S.O. , 1990, c. E.26, as amended

Notice of negotiation filed by:	Claimant
Property Owner/Claimant:	Archer Developments Corp
Expropriating Authority:	City of Hamilton
Property Address/Description:	(portion of) 100 Cumberland Avenue (Hamilton)
Municipality:	City of Hamilton

MINUTES OF SETTLEMENT

WHEREAS the parties hereto participated in a meeting before the Board of Negotiation on Wednesday, March 25, 2015 at the McMaster Learning Centre, 50 Main Street East, Hamilton;

AND WHEREAS the parties have come to an agreement on all outstanding issues between them, relating to this expropriation proceeding, which Agreement is set forth in these Minutes of Settlement;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The Parties agree that the recitals are true and form part of these Minutes of Settlement.

2. The Parties shall, by execution hereof, acknowledge and agree with the terms and conditions of these Minutes of Settlement and shall be bound by the terms hereof.

3. The Parties have agreed as follows
 - (a) i) The amount of compensation payable by the City of Hamilton (the "City") to Archer Developments Corp. ("Archer") on account of the partial taking of the lands at 100 Cumberland Avenue is \$450,000.00;

ii) As the City has already paid Archer \$325,000 pursuant to a s. 30 Agreement, the City is only required to pay the remaining balance of \$125,000 (the "Principal Sum").
 - (b) i) interest at the rate of 6% shall be paid by the City to Archer on the Principal Sum in accordance with the *Expropriations Act*, calculated from November 20, 2006 until the date of payment of the Principal Sum;

ii) by way of clarification, the interest payable on the Principal Sum calculated as of March 25, 2015 is \$62,555.
 - (c) The City shall be responsible for 50% of the assessed amount set out in a Report and Certificate of Assessment dated March 5, 2014, in payment of fees to solicitor Manfred Rudolph. For greater clarification, the City shall pay to Archer 50% of \$55,953.97, exclusive of costs, interests and any other charges, being the sum of \$27,976.99.
 - (d) The City shall pay Archer the sum of \$157,500 for its reasonable costs in accordance with the *Expropriations Act*.
 - (e) The parties acknowledge that a Notice of Garnishment on behalf of Manfred Rudolph was issued and served upon the City for a total sum of \$57,341.47. Archer acknowledges the City's obligation, so long as the Garnishment remains in force, to remit the full amount of monies identified in the Notice of Garnishment to the Sheriff of the City of Toronto, which monies will be

deducted from the payments to be made by the City to Archer pursuant to these Minutes of Settlement. The City acknowledges that its obligation to remit monies to the Sheriff shall be extinguished in the event that a Notice of Termination of Garnishment executed by Manfred Rudolph is delivered to the City prior to the City's payments to Archer pursuant to these Minutes.

- (f) The City is hereby irrevocably directed by Archer to make any and all payments contemplated herein to Archer, in Canadian dollars, to Reuter Scargall Bennett LLP, in trust. The Parties acknowledge and agree that these Minutes are sufficient direction regarding the said payments.

4. It is expressly understood and agreed that the settlement recorded in these Minutes is subject to and contingent upon approval by Council for the City.

5. In the event Council for the City consents to the settlement recorded in these Minutes:

- a) Archer shall execute and deliver to the City a full and final release in exchange for payment of the monies described herein; and
- b) the Parties shall notify the Ontario Municipal Board that this matter has been concluded and request the Board to close its file in the matter of OMB Case/File No. LC140044

6. Each of the Parties shall execute and deliver all such further documents and do such other things as the other Party may reasonably request to give full effect to these Minutes of Settlement at the sole cost and expense of the requesting Party.

7. Any notice or other correspondence required by or arising from these Minutes shall be sent by registered mail or by e-mail to:

For Archer:

Rueter Scargall Bennett LLP
250 Yonge Street, Suite 2200
P.O. Box 4
Toronto, Ontario
M5B 2L7

Attention:

Matthew Owen-King
Matthew.owen-king@rslawyers.com

Vanessa Bacher
Vanessa.bacher@rslawyers.com

For City:

City of Hamilton Legal Services Department
21 King Street West, 12th Floor
Hamilton, Ontario
L8P 4W7

Attention:

Michal E. Minkowski
Mike.minkowski@hamilton.ca

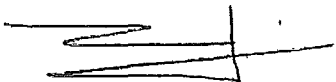
8. These Minutes shall be binding upon and enure to the benefit of the Parties, their successors and assigns.

9. These Minutes of Settlement constitute the entire agreement between the Parties and there are no other oral or written agreements in respect of the matters herein.

10. These Minutes of Settlement may be executed in one or more counterparts, which together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by e-mail or facsimile transmission.

IN WITNESS WHEREOF the Parties hereto have executed these Minutes of Settlement in counterpart.

SIGNED this 11th day of May, 2015

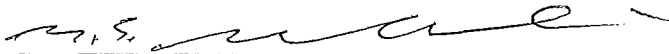


ARCHER DEVELOPMENTS CORP.

Ravi Jain, President

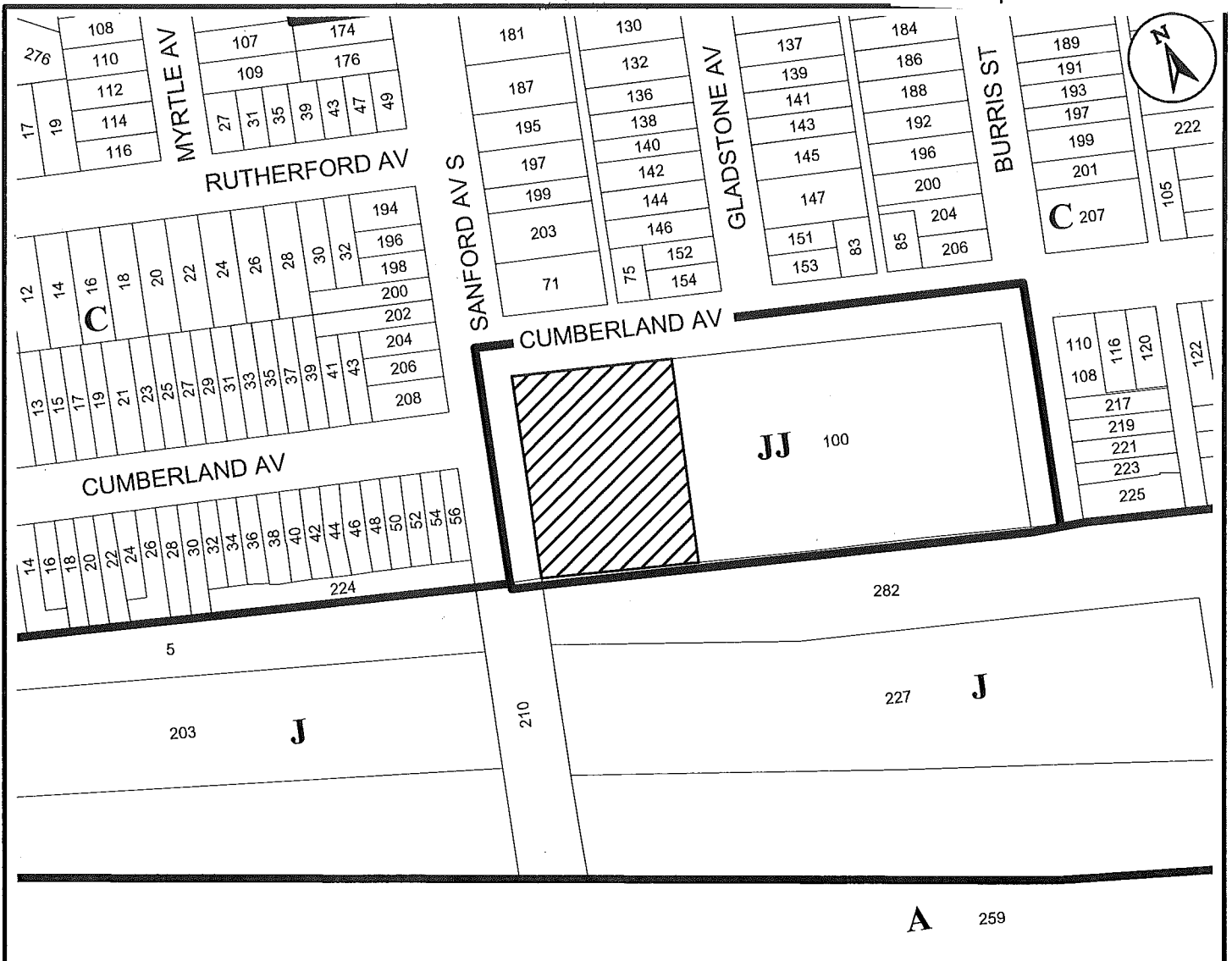
I have authority to bind the corporation

SIGNED this 25th day of MAY, 2015

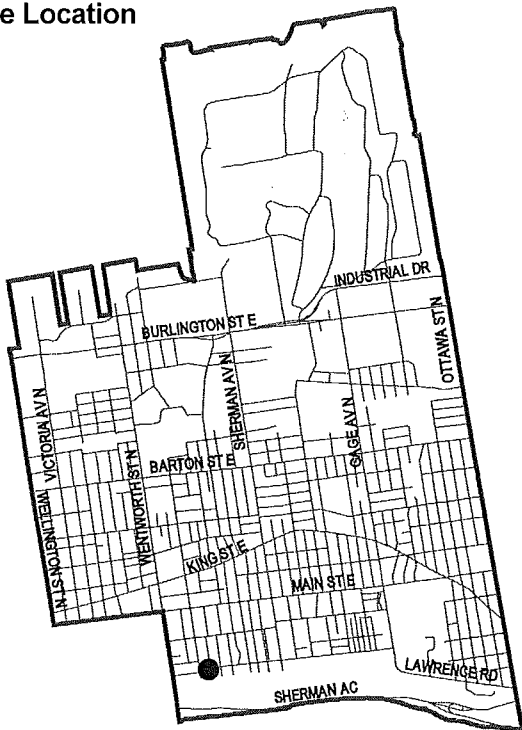


CITY OF HAMILTON

By its Solicitor,
Michal Minkowski
Legal Services



● Site Location



Key Map - Ward 3

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Lifesaver Park

Date:
May 27, 2015

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KA/VS

Subject Property



Lifesaver Park